

**OFFICE OF THE STATE PUBLIC DEFENDER
CONTRACT ATTORNEY RATE ANALYSIS AND FINANCING OPTIONS**

<u>Rates charged by others</u>	<u>Rate</u>	<u>Weighting (6)</u>	<u>Amount</u>
(1) Avg. other state rates for Public Defender (felony) services	\$ 65.00	20%	\$ 13.00
(2) Federal Public Defender Contract rate	\$ 125.00	20%	25.00
(3) Montana Bar survey of attorney rates 57% > \$150	\$ 150.00	20%	30.00
(4) Montana Bar survey of attorney minimum rate	\$ 80.00	20%	16.00
(5) Montana State Agency Legal Services	\$ 95.50	20%	19.10
Total		100%	\$ 103.10

Discount for:	
(7) State funded work	10%
(8) Public Service	5%
Total	15%

(9) Discounted rate	\$ 87.64
(10) Current rate	\$ 60.00
(11) Difference	\$ 27.64

(12) How to finance:	
(a) FY 14 appropriation	\$ 2.00
(b) FY 15 appropriation must cover FY 14 plus add'l in FY 15	\$ 3.00
(c) Financed by future requests to the Governor/Legislature	\$ 22.64

Notes:

- (1) This is the average rate for public defender services charged by other states for felony work.
- (2) This is the current federal rate for public defender services.
- (3) and (4) State Bar of Montana 2011 Membership Survey noted that 57% of their membership charge > \$150 per hour and 43% charge less than \$150 per hour. Please note that the minimum was noted as \$80 per hour.
- (5) Agency legal services fee contained in House Bill 2 - approved by the 2013 legislature.
- (6) This is the weighting applied to each of the rates charged by others. In this proposal, each item is weighted the same.
- (7) OPD is a state agency and pays vendors within 30 days upon receipt of a fully completed and approved claim.
- (8) OPD is a state agency and its hired and contracted staff serve the citizens of the State of Montana.
- (9) The discounted rate is the total rate less the discounts.
- (10) Current Rate is \$60 as originally approved by the Commission in 2006.
- (11) The difference is the discounted rate less the current rate.
- (12) This is an example of how to finance the difference in item (11).